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Report of the Working Group on the Universal Periodic Review*

Central African Republic

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of the Central African Republic was held at the 9th meeting on 25 October 2013. The delegation of the Central African Republic was headed by the Minister of Human Rights, Claude Lenga, and the Minister of Justice, Arsene Sende. At its 17th meeting, held on 31 October 2013, the Working Group adopted the report on the Central African Republic.

2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Central African Republic: Italy, Mauritania and the Bolivarian Republic of Venezuela.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of the Central African Republic:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/CAF/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/17/CAF/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/CAF/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Liechtenstein, the Netherlands, Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to the Central African Republic through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. In his introductory statement, the Minister for Human Rights and Coordination of Humanitarian Action, the head of delegation, began by introducing the delegation of the Central African Republic. On behalf of the delegation he expressed the gratitude of the people of the Central African Republic and of the leaders of the transitional Government to the members of the Human Rights Council for their concern about the situation in the Central African Republic and about defending and promoting human rights in the country.

6. The Minister for Human Rights then turned to the process of preparing the country's periodic report and the difficult conditions under which it had been drafted, and expressed his Government's gratitude to the United Nations system. He also highlighted the efforts the Government had made. Lastly, he recalled the undertakings the Central African Republic had made to the Human Rights Council in 2009 and explained what had been done thus far to meet those commitments. He outlined the concerns and future prospects regarding human rights and humanitarian issues and gave the floor to the Minister of Justice to introduce the report.

7. The Minister of Justice who was responsible for judicial reform, first gave an overview of the State's geographical situation, its administrative organization, its economy and the succession of regimes that had governed it. He then outlined the institutional and legal framework for the promotion and defence of human rights in the Central African Republic, specifying that those institutions had always existed, although there had been some changes during the transition period. The Minister emphasized the importance of the Transitional Constitutional Charter, which had been adopted by the Transitional National Council and promulgated on 18 July 2013 on the basis of a broad consensus, and which incorporated all the provisions of the 2004 Constitution. The Constitutional Charter enshrined the principle of separation of powers and the independence of the judiciary.

8. The delegation reaffirmed that the Central African Republic had acceded to international human rights instruments and cited the main ones ratified by the State. The establishment of a Ministry of Human Rights and Coordination of Humanitarian Action was an additional step forward that reflected the Government's desire to ensure that individuals were protected.

9. The delegation outlined the main measures taken to give effect to civil and political rights, as well as the advances made through the new Criminal Code and Code of Criminal Procedure adopted in 2010, which included several provisions promoting human rights. The adjusted length of police custody and the provision concerning the presence of a doctor and a lawyer within the first few hours of custody constituted significant progress.

10. On 2 August 2013 the Head of State mandated to lead the transition had signed the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had submitted it to the depositary.

11. With regard to freedom of the press, no journalists had been imprisoned since the political change that had taken place on 24 March 2013, and the transitional Head of State had publicly stated that no journalists would be imprisoned and no one would be detained for their opinions during his term of office.

12. The Government paid particular attention to the rights of refugees and internally displaced persons and had ratified several international and regional legal instruments.

13. A bill on compensation for victims of serious human rights violations was being drafted, following the establishment of a joint commission of inquiry to investigate human rights-related crimes, offences and other violations as well as damage to property.

14. A bill to simply abolish the death penalty had already been drafted; all that remained was to initiate the legislative process for its adoption by the Transitional National Council.

15. As to the realization of the right to culture in the Central African Republic, the delegation said that significant progress had been made with regard to culture and heritage, as a ministry for the arts and culture had been established in 2013.

16. Concerning the rights of vulnerable persons and solidarity rights, the Government's political commitment to the elderly and persons with disabilities had been translated into legal instruments and framework documents, and measures taken with support from the NGO Handicap International, to enable those persons to participate fully in public life.

17. The Government of the Central African Republic had embarked on a series of legal reforms to promote and protect the women's rights, including a bill on parity, revision of the Family Code s to bring it into line with international standards, and involving women in the conflict resolution process in accordance with Security Council resolution 1325 (2000). Women were still poorly represented in political life.

18. The Government paid particular attention to children, who were the subject of various provisions of the Constitutional Charter and the new Criminal Code. Various measures had been taken to protect and promote the rights of the child.

19. The rights of minorities were recognized, including the rights of the Aka or Bayaka Pygmies, the Mbororo Fulani and albinos, and the Government also devoted particular attention to those groups. On 30 August 2010, the Central African Republic had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

20. In the emergency programme devised by the transitional Government of national unity, priority was given to restoring peace and security and addressing the humanitarian emergency, notably by disarming, demobilizing and reintegrating former combatants, reforming the security sector and promoting community participation in the consolidation of peace.

21. The delegation of the Central African Republic highlighted the political, economic and social difficulties and constraints the country faced in the promotion and protection of human rights, and concluded by calling on the international community to provide the Government with technical and financial support for its efforts to improve the security and humanitarian situation.

B. Interactive dialogue and responses by the State under review

22. During the interactive dialogue, 70 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

23. Belgium called on the Government to be committed to respect human rights, implement democracy, establish public order, settle conflicts peacefully and combat impunity. It was concerned about the situation of children in armed conflicts. It made recommendations.

24. Benin commended the State for having ratified human rights instruments and adopted measures to address gender equality, poverty reduction, children's rights, universal education and violence against women. It invited the authorities to pool efforts to improve the enjoyment of human rights, and supported the State's request for security, humanitarian and financial assistance. It made recommendations.

25. Botswana called on all parties to refrain from any acts of violence against civilians and to respect human rights. It encouraged the Government to continue to support efforts made by the international community to restore peace and security. It made recommendations.

26. Brazil welcomed the State's willingness to face post-conflict challenges, but was concerned about the complexity of the situation and that the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC) and the Convention on the Rights of Persons with Disabilities (CRPD) had not yet been ratified. It made recommendations.

27. Togo was concerned that the repeated crises and persistent, widespread human rights violations in the country had made it impossible to implement the first-cycle UPR recommendations. It called upon the international community to support initiatives aimed at helping the State to break out of the infernal cycle of crises and consolidate peace. It made recommendations.

28. Burundi welcomed the abolition of the practice of female genital mutilation (FGM) and encouraged the State to implement the Convention on the Elimination of All Forms of

Discrimination against Women (CEDAW). It commended efforts to improve school facilities and teaching. It called on the international community to support the State in tackling political, economic and social challenges. Burundi made a recommendation.

29. Cambodia welcomed the ratification of the Agreement on the Privileges and Immunities of the International Criminal Court and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It made recommendations.

30. Sweden was concerned about pillaging, rape, summary executions and other human rights violations and the near-total impunity for those acts, and the widespread practice of child marriages and FGM. It made recommendations.

31. Chad noted that the country was overwhelmed by its current situation and that the human rights situation remained a concern. Chad called on the international community to help the country to deal with the insecurity and the difficult humanitarian situation.

32. Chile commended the ratification of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, and noted challenges posed by corruption, illiteracy and low public sector pay. It supported the request to the international community for assistance to strengthen institutions' capacity. It made recommendations.

33. China expressed its appreciation for efforts to promote and protect human rights, despite a harsh security and humanitarian situation, which seriously challenged socioeconomic development. It made a recommendation.

34. The Comoros was concerned about the immense gap between the authorities' will to fulfil the State's human rights commitments and the many complex obstacles confronting it. It noted calls for the provision of assistance to the country to overcome the current crises. It made recommendations.

35. Costa Rica asked what measures had been adopted to address the current humanitarian situation. It noted the moratorium on the death penalty, and invited the country to abolish capital punishment. It made recommendations.

36. The Congo noted the wide range of problems that had compromised the efforts and initiatives to implement recommendations and voluntary pledges. It noted institutional and legal measures, including the 2010 Penal Code. It made a recommendation.

37. Côte d'Ivoire recognized the difficult situation and noted with satisfaction measures guaranteeing economic, social and cultural rights and protecting vulnerable groups. It supported calls to the international community to help the State restore peace and security. It made recommendations.

38. Croatia encouraged the Central African Republic to make the National Transitional Council more credible and gender-balanced, restore the rule of law and security, and fight against impunity. It noted that OP-CRC-AC had not yet been ratified. Croatia made recommendations.

39. The Czech Republic remained concerned by reports of human rights violations in the Central African Republic and encouraged it to launch the process of national reconciliation. It made recommendations.

40. The Democratic Republic of the Congo commended the laws and institutions created to address human rights. It noted political and economic instability preventing the enjoyment of rights. It made recommendations.

41. Djibouti encouraged all parties to commit to reconciliation and refrain from violence. It urged the country's partners to aid in finding a consensual solution to the difficulties. It made recommendations.

42. Ecuador recognized efforts to ensure the promotion and protection of human rights, particularly for vulnerable groups, and noted that forced disappearances and summary and extrajudicial executions had decreased. It made recommendations.

43. Egypt noted that the Government had prioritized human rights, and urged it to restore security, democratic governance and constitutional order through effective security and judicial institutions. It made recommendations.

44. Estonia urged the Central African Republic to hold democratic elections, improve human rights and remove the death penalty from its Penal Code. It commended compliance with international instruments. It made recommendations.

45. Ethiopia commended the ratification of international human rights instruments and the promulgation of legal safeguards. It called on the international community to provide assistance and support. It made recommendations.

46. France stated that it would continue to encourage the international community to assist the State. It welcomed the transitional Government's position regarding reconciliation, and urged the authorities to re-establish security and organize transparent elections. It made recommendations.

47. Gabon recognized obstacles to the implementation of the 2009 recommendations. It urged the international community to accompany the State in its efforts to restore institutions and implement human rights mechanisms. It made recommendations.

48. Germany asked what measures had been adopted to ensure that the transition process complied with human rights principles, particularly transparency and inclusiveness. It made recommendations.

49. Thailand welcomed the presidential decree to dissolve the Seleka group and to re-establish the rule of law, yet it was concerned by sectarian violence and the looting of health-care centres, and highlighted the need to provide protection, safe water and sanitation for the country's citizens. It made recommendations.

50. Ireland commended the dialogue between the Central African Republic and the Human Rights Council and highlighted the importance of combating impunity. Ireland urged the transitional Government to respond to sexual and gender-based violence. It made recommendations.

51. Italy noted that impunity and sectarian violence should not be tolerated, and expressed its support for the country's appeal for assistance in restoring security and strengthening human rights. It made recommendations.

52. Japan emphasized the need for measures to be taken to restore constitutional order, improve the security situation and ameliorate the humanitarian situation. It expressed hope that impunity would be eradicated, and that arbitrary detention and torture would be prohibited. Sexual violence against women was of concern, and legislation against FGM should be enforced. Japan made recommendations.

53. Latvia noted the establishment of the Joint Commission of Inquiry to investigate human rights violations. It called for that work to continue and for the Commission's mandate to be strengthened. It made recommendations.

54. Lithuania expressed concern regarding the security situation and human rights violations, but noted the Joint Commission of Inquiry. It observed that OP-CRC-AC had not been ratified, although the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) had. Lithuania made recommendations.

55. Luxembourg remained concerned by the security and humanitarian situation, seen in numerous grave abuses and violations, notably against the civilian population. It made recommendations.

56. Maldives asked about the status of the Plan of Action on Education for All. Armed groups using children remained a concern. Maldives encouraged efforts to protect the rights of women, children and older persons. It made recommendations.

57. Mauritania commended efforts to strengthen justice and equity and safeguard fundamental rights and freedoms. It emphasized the importance of cooperation and dialogue to combat racism and ensure adequate legislation. It expressed its view that the international community should provide assistance.

58. Mexico recognized the participation of civil society organizations in meeting citizens' needs, especially in the areas of education, infrastructure and health. Mexico would share its experience and lessons learned in order to support the State. It made recommendations.

59. Montenegro asked whether OP-CRC-AC would be ratified following its signature, and also asked what measures had been taken to implement the provisions of CEDAW and Security Council resolution 1325 (2000). It made recommendations.

60. Morocco commended the improved protection of the rights of women, children and persons with disabilities, and welcomed the revision in 2010 of the Family Code and the creation of a National Security Council. It encouraged further reforms, and the identification of technical assistance requirements to be met by the international community. It made recommendations.

61. The Netherlands remained concerned about human rights abuses, especially sexual violence against women, and the lack of access to humanitarian assistance. It encouraged the restoration of peace, security and the rule of law. It made recommendations.

62. Nigeria noted the serious challenges faced in promoting and protecting human rights. It urged the international community to provide urgent assistance. Nigeria made recommendations.

63. Portugal noted that the death penalty was effectively not applied. It welcomed the ratification of OP-CRC-SC and the establishment of the Joint Commission of Inquiry to investigate human rights violations. Portugal made recommendations.

64. The Republic of Korea acknowledged efforts to improve the human rights situation, particularly of vulnerable groups, despite the challenges resulting from conflict. Sexual and gender-based violence was of concern. It made recommendations.

65. The Republic of Moldova encouraged the transitional Government to pursue its efforts to resolve the crisis and restore peace and security. It welcomed the signing of OP-CRC-AC and efforts to implement CEDAW and Security Council resolution 1325 (2000). It made recommendations.

66. Romania reminded the State of its ongoing human rights obligations, while noting the complexity and difficulties of the transitional process. It welcomed the announced dissolution of the Seleka forces. It made recommendations.

67. Rwanda commended the Central African Republic for the measures adopted to protect human rights, in particular legislation protecting women from violence and abolishing harmful practices of excision. It expressed concern over the ongoing crisis, which threatened to undermine efforts in the protection of human rights. It made recommendations.

68. Senegal noted that peace and security were crucial for development and human rights enjoyment. It urged that action be taken to end acts of violence and underscored the importance of international support.

69. Sierra Leone commended the establishment of the National Human Rights Commission and legislation prohibiting violence against women. It noted the challenges and constraints facing the Central African Republic. It made recommendations.

70. Singapore stated that internal security must be restored and the rule of law upheld for the enjoyment of human rights. It noted that while utmost efforts were made to maintain access to health-care services, there remained many challenges. It made recommendations.

71. Slovakia encouraged the Central African Republic to cooperate with the special procedures of the Human Rights Council, including the Independent Expert. It expressed concern over the enrolment of child soldiers and the continuous reports of sexual and gender-based violence. It asked what measures, in addition to amending the Penal Code and the Code of Criminal Procedures, were envisaged to address sexual violence. It made recommendations.

72. Slovenia expressed concern over the reports on the situation of children who were recruited and used as child soldiers. It also expressed concern over conflict-related sexual violence, as well as sexual and gender-based violence rooted in the customs of the population. Slovenia made recommendations.

73. South Africa noted the post-conflict challenges and constraints faced by the Central African Republic. It called upon the international community to provide technical assistance and capacity-building. It remained committed to assisting the Central African Republic and would continue to support the work of the African Union in that regard. It made recommendations.

74. South Sudan noted progress in combating crimes, improvements to prison facilities and prison staff training. As a neighboring country, it was deeply concerned about the human rights situation. It made recommendations. South Sudan called on the international community to provide more technical assistance and capacity-building.

75. Spain noted positive cooperation with the Human Rights Council and the upcoming appointment of an Independent Expert. It encouraged the transitional Government to focus efforts on protecting the most vulnerable, especially women and children. It made recommendations.

76. The Sudan noted the determination of the Central African Republic to protect and promote human rights. It commended the implementation of most of the recommendations accepted in 2009. Sudan called on the international community to provide technical assistance in the field of human rights. It made a recommendation.

77. Canada requested information on measures to combat the recruitment and use of child soldiers by armed groups and encouraged further efforts to register, demobilize and reintegrate such children into civilian life. It made recommendations.

78. Indonesia commended the reactivation of the National Human Rights Commission and sought more information on that issue. It appreciated the efforts made by the Central African Republic to ensure education for all. Indonesia made recommendations.

79. Burkina Faso noted progress made, despite obstacles and difficulties, such as the amendment to the Family Code, efforts to ensure equal rights for children born out of wedlock, women's participation in political life, the prohibition of FGM and compensation for victims. It made recommendations.

80. Tunisia called for systematic prosecution of perpetrators of atrocities. It noted the amendment to the Family Code and encouraged the fight against discrimination and violence against women. It reiterated its support to the State towards restoring stability, democracy and rule of law. It made recommendations.

81. Uganda noted the establishment of legal and institutional frameworks, including the establishment of the National Mediation Council, the preparation of the new National Health Development Plan to reduce maternal and neonatal mortality, and a programme for the prevention of parent-to-child transmission of HIV/AIDS. It made recommendations.

82. The United Kingdom of Great Britain and Northern Ireland expressed alarm at the grave human rights situation, which had worsened significantly during 2013. It expressed particular concern at reports of the recruitment of child soldiers and of violence against civilians. It stated that the National Transitional Council must end the culture of impunity and work towards the restoration of a constitutional government through elections. The United Kingdom made recommendations.

83. The United States of America expressed concern over reports of human rights violations by Seleka members and the Government's ability to provide adequate protection to all individuals. It called for adherence to the N'Djamena Declaration and the Transitional Charter. It made recommendations.

84. Uruguay commended the ratification of ILO Convention No. 169, and the signing of OP-CRC-AC and OP-CRC-SC, the agreement to visits by human rights special rapporteurs, and steps towards the abolishment of the death penalty. Uruguay made recommendations.

85. The Bolivarian Republic of Venezuela called upon the international community to provide urgent assistance to the Central African Republic to bring about a swift restoration of peace and order. It condemned violations of human rights, in particular against women and children. The officials in the country from all sides must commit themselves to national rebuilding and to seeking lasting solutions to the crisis.

86. Viet Nam noted the difficulties and obstacles that continued to impede the implementation of initiatives and measures to ensure the full enjoyment of rights and freedoms. The country needed further determination and greater efforts to promote and protect human rights; assistance from the international community and regional assistance should also play a significant role. Viet Nam made a recommendation.

87. Algeria noted efforts to protect all human rights, in particular through amendments to the Penal Code, the Code of Criminal Procedure and the Military Justice Code. It supported efforts made to overcome political and security difficulties. Algeria made recommendations.

88. Angola remained deeply concerned at the deterioration of the humanitarian and human rights situation in the Central African Republic. It urged the international community to continue its efforts to prevent the situation from worsening. Angola made a recommendation.

89. Argentina expressed concern over the political, security and humanitarian situation in the country, which was undermining the enjoyment of human rights. It encouraged the country to move forward in the protection of human rights, and in that regard welcomed, inter alia, the resolution on technical assistance adopted by the Human Rights Council. Argentina made recommendations.

90. Armenia welcomed the measures taken to protect human rights in a difficult political, economic and social situation, and encouraged continued efforts to effectively implement those measures. It stressed the role of education in rebuilding the country and

society and noted the education action plan (2003–2015), which took into account the specific needs of girls and women. It made recommendations.

91. Australia remained concerned by the humanitarian situation and the use of child soldiers. It urged the authorities to hold accountable those responsible for serious human rights violations. It acknowledged the commitment to abolishing the death penalty. Australia made recommendations.

92. Austria expressed concern over human rights violations and noted that such violations were hardly ever investigated. It expressed alarm at the use of children by local self-defence militias and the Seleka. It made recommendations.

93. Following the various statements made by members of the working group, interspersed with observations and recommendations, the members of the delegation of the Central African Republic, namely Claude Lenga, Minister for Human Rights and Coordination of Humanitarian Action, Arsène Sende, Minister of Justice, Parfait Kongo, High Commissioner for Human Rights and Eugénie Yarafa, Cabinet Director at the Ministry of Human Rights, replied as follows.

94. The rapidly deteriorating security situation was being resolved, despite the lack of financial resources, through the establishment of the International Support Mission (MISCA). The meeting of the Security Council held the previous week had been devoted to evaluating the redeployment of security structures throughout the country.

95. As to impunity, firm measures had been taken and some 50 members of the former Séléka coalition and a dozen of its "colonels" had been arrested; some had been tried and sentenced while others were still on trial.

96. A bill abolishing the death penalty was being prepared. The Government and Action by Christians for the Abolition of Torture (ACAT) were working to abolish the death penalty, and it would be removed from the Criminal Code by the end of the transition period.

97. As for the ratification of various international legal instruments, the Government had arranged to draw up a list of all the remaining international legal instruments that the State had not yet ratified. The Government planned to proceed with ratification according to its priorities and with the support of its technical and financial partners.

98. Regarding cooperation with the Human Rights Council, the Government had issued a standing invitation to the High Commissioner for Human Rights at the Council's twenty-fourth session.

99. A first wave of child soldiers had already been demobilized, with support from the United Nations Children's Fund (UNICEF), and others were being prepared.

100. The Government needed technical and financial assistance so that it could quickly emerge from the cycle of violence and resolve the severe human rights problem in the country. Several ministers insisted that the security situation had shown a marked improvement — especially in the capital Bangui — ever since disarmament operations had begun, the Séléka coalition had been dissolved and the forces had been confined to their bases. Similarly, the reorganization of the defence and security forces administration should make it possible to resume awareness-raising activities on human rights, including on the rights of minorities.

101. Regarding the National Human Rights Commission, the procedure had been initiated.

102. Concerning violence against women, several initiatives were mentioned, including a prevention campaign currently being developed by the Ministry of Human Rights and the

Ministry of Social Affairs and a project on prosecutions that was being carried out with the Ministry of Justice. Several measures had been taken to implement Security Council resolution 1325 (2000), including the adoption in 2005 of a national policy on equality and equity and an accompanying action plan, and the adoption in December 2006 of Act No. 06.032 on protection of women against violence in the Central African Republic. In addition, women had been involved in the peace process from the signing of the Libreville Agreements until the establishment of the Transitional National Council.

103. Lastly, the delegation thanked all the country representatives who had spoken for their understanding of the specific situation in the Central African Republic, for their frank comments and for their call for international aid to the Central African Republic.

II. Conclusions and/or recommendations**

104. **The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of the Central African Republic:**

104.1 **Take necessary steps domestically to ensure compliance with the obligations under the international human rights instruments to which it is a party (South Africa);**

104.2 **Speed up the ratification of international legal instruments not yet ratified (Burundi);**

104.3 **Consider ratifying the international human rights conventions to which the Central African Republic has not yet been a party (Burkina Faso);**

104.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Djibouti);**

104.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

104.6 **Reiterate its recommendation to abolish the death penalty and to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, and duly eliminate provisions concerning the capital punishment from the national criminal law (Portugal);**

104.7 **Abolish the death penalty (France);**

104.8. **Officially abolish the death penalty still contained in the Penal Code of 2010 and to accede to the Second Optional Protocol to the ICCPR (Germany);**

104.9 **Consider the abolition of the death penalty (Rwanda);**

104.10 **Speed up the legal process toward the abolition of the death penalty (including in the Penal Code) with the cooperation of the Office of the High Commissioner and the donors, and establish an official moratorium on the death penalty, including of minors, to be taken into account in all peace negotiations or agreements with the rebel factions (Uruguay);**

** Conclusions and recommendations have not been edited.

104.11 **Finalise the process of abolishing the death penalty with a view to ratifying the Second Optional Protocol of the International Covenant on Civil and Political Rights (Australia);**

104.12 **Ratify without delay the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Luxembourg);**

104.13 **Intensify its efforts to ratify the OP-CRC-AC (Lithuania);**

104.14 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Chile);**

104.15 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and harmonize national legislation in conformity with the provisions of OP-CRC-AC (Republic of Moldova);**

104.16 **Ratify the Optional Protocol to the CRC on the involvement of children in armed conflict and develop and apply strategies aimed at ending impunity of those responsible for committing grave violations against children in conflict (Croatia);**

104.17 **Ratify the OP-CRC-AC (Sierra Leone);**

104.18 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as soon as possible (Slovenia);**

104.19 **Early ratification and full implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovakia);**

104.20 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Spain);**

104.21 **Ratify the main international human rights instruments, including OP-CAT, the optional protocols to the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance, and ensure that their provisions are incorporated into the national legal system (Costa Rica);**

104.22 **Strengthen the national legal framework through the adhesion to the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the relevant protocols (Mexico);**

104.23 **Ratify the Convention on the Rights of Persons with Disabilities (Benin);**

104.24 **Consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ecuador);**

104.25 **Consider ratifying the Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa, the International**

Convention for the Protection of All Persons from Enforced Disappearance, the Convention for the Elimination of Mercenaries in Africa, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Democratic Republic of the Congo);

104.26 **Cooperate fully with the independent expert who will be designated by the Human Rights Council (Romania);**

104.27 **Continue addressing the equality between women and men through implementation of relevant programs and policies (Cambodia);**

104.28 **Strengthen the institutional and legal human rights framework, in order to ensure effective and impartial investigations into all reports of extrajudicial killings, enforced disappearances, torture, other ill-treatment and sexual violence against women and children and to bring those responsible to justice (Lithuania);**

104.29 **Take all measures to ensure protection of women and girls from violence and to end impunity of perpetrators of such crimes (Slovakia);**

104.30 **Enforce existing laws to bring to justice perpetrators of extensive extrajudicial killings, enforced disappearances, attacks on civilians (including children) and instances of sexual and gender-based violence (Sierra Leone);**

104.31 **Undertake a screening of all security forces under international guidance in order to exclude perpetrators of violations of international human rights and humanitarian law from the national security and defence forces (Austria);**

104.32 **Carry out transparent and impartial investigations, in accordance with international standards, regarding allegations of murders and extrajudicial killings in order to guarantee protection of the right to life (Canada);**

104.33 **Make effort to put an end to the attacks by all armed groups against unarmed civilians in the Central African Republic (Sudan);**

104.34 **Facilitate immediate access for victims of sexual violence to available services (Lithuania);**

104.35 **Continue its efforts in fighting acts of sexual violence, including the establishment of mechanisms for the identification, reporting and monitoring of such cases (Republic of Moldova);**

104.36 **Develop and apply, as a matter of priority, strategies aimed at combating sexual violence against women, and especially girls, and ensure that they are provided with support for physical and mental health (Croatia);**

104.37 **Put in place special measures to monitor, identify, and report sexual and gender-based violence, with a view to its prevention and punishment, bearing in mind the need to exclude these crimes, where feasible, from amnesty processes (Ireland);**

104.38 **Deploy further efforts to prevent and punish grave forms of violence against women, in particular when they result in widespread rape (Italy);**

104.39 **Take appropriate measures to put an end to violence against women (Rwanda);**

104.40 **Establish training and awareness mechanisms to combat sexual violence against women and fight the culture of denial and stigma so the women**

may seek medical care and establish judicial complaints against perpetrators (Netherlands);

104.41 **Step-up efforts aimed at combating and eradicating FGM and other traditional harmful practices (Slovakia);**

104.42 **Strengthen the legislation and effective measures in order to better protect vulnerable groups, in particular women and children, and eradicate the customary practices that are harmful to them (Viet Nam);**

104.43 **Re-establish the rule of law in the whole territory, by monitoring the army, the police, the gendarmerie and the customs in the exercise of their functions (Belgium);**

104.44 **Ensure an immediate restoration of the rule of law and protection of its civilian population, especially vulnerable groups such as women and children (Czech Republic);**

104.45 **Create a police force capable of ensuring the maintenance of law and order (Romania);**

104.46 **Strengthen the role of the police and develop its capacities in order for it to be able to carry out its role in dealing with the citizens in conformity with the law (Sudan);**

104.47 **Take full and necessary measures to restore the administration of justice and exert its utmost efforts to realise the rule of law (Republic of Korea);**

104.48 **Make sufficient judicial staff and facilities available to restore the rule of law and to conduct screening of soldiers and police officers reporting back for duty to ensure that those responsible for human rights violations are excluded from further service and face trial in due process (Netherlands);**

104.49 **Strengthen the fight against impunity by effectively prosecuting those who have committed human rights violations (Belgium);**

104.50 **Take immediate action to bring to an end the prevailing impunity for human rights violations in the country (Sweden);**

104.51 **Guarantee the fight against impunity by ensuring that all persons convicted for human rights violations are brought to justice (Luxembourg);**

104.52 **Guarantee the fight against impunity by ensuring that all the perpetrators of human rights violations are prosecuted and tried, when appropriate, by the international criminal justice (France);**

104.53 **Fight against impunity and ensure that those responsible for the serious human rights violations and acts of violence perpetrated against the civilian population, including sexual violence against women and children, torture and summary executions, are brought to justice and held accountable (Portugal);**

104.54 **Ensure the respect of rights and fundamental freedoms of the whole population and adopt all the necessary measures to guarantee the accountability of the authors of crimes, acts of violence, and all human rights violations (Argentina);**

104.55 **Take all the necessary measures to ensure the end of all violent acts against the civilian population all over the national territory, and bring the perpetrators to justice (Gabon);**

104.56 **Investigate and bring to justice all perpetrators of human rights violations at the earliest (Sweden);**

104.57 **Ensure that members of the rebel forces who have been convicted of human rights violations do not integrate regular security services (Belgium);**

104.58 **All allegations of human rights violations, including those against members of the armed forces and of the Séléka, should be thoroughly and impartially investigated, and those responsible for any such violations prosecuted (Ireland);**

104.59 **Provide an adequate training to prison staff and ensure that the perpetrators are held accountable for their actions, in order to prevent human rights violations (Djibouti);**

104.60 **Strengthen the rule of law by providing adequate human rights training and education to members of the administration and particularly the judiciary, including on the rights of suspects, accused and detainees during criminal proceedings (Germany);**

104.61 **Establish and make operational the Commission of Inquiry, and any additional transitional justice mechanism required, to address human rights violations before and after 2012 (Sweden);**

104.62 **Provide the National Commission of Inquiry with the necessary resources to promptly, thoroughly, and independently investigate allegations of gross human rights abuses by all parties (Austria);**

104.63 **Strengthen the capacity of the judicial system, including the transitional justice mechanisms and the national human rights institutions, and contribute to the efforts of the national reconciliation (Gabon);**

104.64 **Implement all necessary measures to ensure full protection of human rights and promote national reconciliation (Morocco);**

104.65 **Strengthen measures to respect the Standard Minimum Rules for the Treatment of Prisoners (Benin);**

104.66 **Establish relevant prison facilities for the Juvenile population (Uganda);**

104.67 **Prevent the involvement of foreign mercenaries in the internal conflict and their attempts to turn human rights violations into an ethnic and religious conflict (Czech Republic);**

104.68 **Work with religious leaders on an urgent basis to promote religious tolerance, restore inter-religious harmony and to prevent a cycle of violence and reprisals (Sierra Leone);**

104.69 **Strengthen inter-religious dialogue and take measures to promote reconciliation among concerned groups (Austria);**

104.70 **Prevent clashes and tensions occurred between the majority Christian population and the Muslim minorities (Spain);**

104.71 **Take measures to prosecute the perpetrators of human rights violations that specifically target members of religious groups in order to safeguard freedom of religion and ensure the right to security of the person (Canada);**

104.72 **The National Transitional Council (NTC) should work with international partners to establish a Central African Republic-owned security force that can ensure the long term protection of the Central African Republic population from attacks by individual and groups (United Kingdom of Great Britain and Northern Ireland);**

104.73 **Ensure an enabling environment for the activities of human rights defenders, journalists and other stakeholders of civil society (Tunisia);**

104.74 **Prepare the elections in accordance with democratic standards while cooperating with the international community (Czech Republic);**

104.75 **Continue strengthening the relevant policies and programs on strengthening the capacity building, in particular, in the field of economic, social and cultural rights that aims at improving the living standards of its people, through further cooperation and support by the international community (Cambodia);**

104.76 **Make food security one of the national priorities in order to combat malnutrition and ensure access of the whole population to adequate food (Luxembourg);**

104.77 **Ensure, with the support of the international technical assistance, access for the entire population, including internally displaced persons, to drinking water and sanitation, food and nutrition, as well as health services (Republic of Moldova);**

104.78 **Continue its efforts to achieve the goals of the National Sanitary Development Plan 2006–2015 (Algeria);**

104.79 **Continue to fight tuberculosis and other endemic diseases in order to promote the right to health of the citizens of the Central African Republic (Nigeria);**

104.80 **Take additional steps to strengthen the sexual and reproductive health and rights of girls and women (Sweden);**

104.81 **With the support from the relevant international organisations, continue to provide public health care services to its people, especially women and children (Singapore);**

104.82 **Continue its efforts to achieve the goals of the Operational Plan for Accelerating the Reduction of Maternal and New-born Mortality 2004–2015 (Algeria);**

104.83 **Continue to take measures within the framework of the Plan of Action on Education for All (2003–2015) in order to promote the right to education especially for women and girls (Nigeria);**

104.84 **Enhance its efforts to implement the Plan of Action on Education for All (2003–2015) (Indonesia);**

104.85 **Adopt additional measures, including legal measures aimed at protecting and promoting the right to education for all (Armenia);**

104.86 **Consider drawing up new legislation on the enforceability of the right to education (Egypt);**

104.87 **Ensure access and right to education, especially among children and youth and to provide free and compulsory primary education for all children (Maldives);**

104.88 **Prioritize an education agenda (Mexico);**

104.89 **Consider taking legislative, policy and educational measures, including awareness-raising measures, to overcome the stigmatisation of the poorest children, including girls and children with disabilities, and to ensure that those children have equal access to high quality education (Egypt);**

104.90 **Adopt appropriate measures to guarantee equal access to education without any discrimination to pave the way to the country's economic and social development in a sustainable manner (Thailand);**

104.91 **Enhance the right of education, especially for children with disabilities (South Sudan);**

104.92 **Facilitate the return of refugees and internally displaced persons (Czech Republic);**

104.93 **Maintain the efforts for the effective protection of the rights of internally displaced persons, with special attention to women, children and persons with special needs (Ecuador).**

105. **The following recommendations enjoy the support of Central African Republic, which considers that they are already implemented or in the process of implementation:**

105.1 **Ratify CAT (Latvia);**

105.2 **Ratify the Convention against Torture and Other Forms of Cruel, Degrading or Inhuman Treatment or Punishment (Spain);**

105.3 **Ratify the CAT and OP-CAT (Estonia);**

105.4 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, and accept the competence of the Committee on Enforced Disappearances (Argentina);**

105.5 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

105.6 **Become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Montenegro);**

105.7 **Complete its legal framework by ratifying in particular the Convention against Torture and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute (Tunisia);**

105.8 **Promulgate and strengthen national legislation to comply with obligations under the Rome Statute and adhere to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay);**

105.9 **Take steps to implement the country's obligations under the Rome Statute of the ICC (Australia);**

105.10 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Estonia);**

105.11 **Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

105.12 **Improve the situation of women and children by implementing the United Nations Security Council resolution 1325 and related resolutions on women, peace and security (Estonia);**

105.13 **Take all the appropriate measures to protect women and girls against all forms of sexual violence and ensure the full respect of the "Women, Peace and Security" resolutions of the Security Council, by ensuring an increased participation of women in decision-making regarding conflict resolution and peace process (Luxembourg);**

105.14 **Ensure the protection of women against sexual violence and ensure the implementation of the "Women, Peace and Security" resolutions of the Security Council, in particular regarding their effective participation in the transitional process (France);**

105.15 **Put forward its utmost efforts to eradicate sexual and gender-based violence (Republic of Korea);**

105.16 **Put in place effective mechanisms to identify, report, and monitor sexual and gender-based violence (Slovenia);**

105.17 **Ensure throughout the country, protection and promotion of human rights in accordance with the first chapter of the recently promulgated Constitution of Transition and effectively criminalize the violations of such rights (Spain);**

105.18 **Strengthen the justice system to protect human rights of the vulnerable people in particular women and children (South Sudan);**

105.19 **In its future decisions and actions, give priority to human rights, especially with regard to the most vulnerable categories, such as women and children (Italy);**

105.20 **Ensure a rapid return to constitutional rule through the organization of free and transparent elections (Côte d'Ivoire);**

105.21 **Speed up the amendment of the Criminal Code, Code of Criminal Procedure, and Code of Military Justice to effectively deal with human rights violations (Botswana);**

105.22 **Adopt without delay proper measures aimed at ensuring the immediate release of all children-soldiers and tackle this grave breach of human rights as a high priority (Italy);**

105.23 **Ensure the immediate release of all children associated with armed forces or groups by issuing clear orders including at local level (Austria);**

105.24 **Cease the use of child soldiers by local militia groups (Japan);**

105.25 **Take all the necessary measures to ensure the protection of the rights of the child, put an end to the recruitment and use of child soldiers by all the parties to the conflict, and create mechanisms to support the reintegration of demobilized children (Luxembourg);**

105.26 **Take all necessary measures to halt recruitment of children into armed groups and to adopt adequate legislation to prevent further recruitment (Maldives);**

105.27 **The government and all other parties concerned should ensure the immediate release of all child soldiers and take all measures to prevent any future recruitment (Republic of Korea);**

105.28 **Prevent the recruitment and the use of children in armed forces and armed groups (Lithuania);**

105.29 **Urgently address the grave violations committed against children, including sexual violence, recruitment of child soldiers and the use of children as human shields during the conflict, ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

105.30 **Pay particular attention to the protection, release and reintegration of all children associated with armed groups (Lithuania);**

105.31 **Integrate child soldiers in the society and the education system (Belgium);**

105.32 **Step up efforts for the protection of children subject to recruitment into armed forces, including through the adoption of adequate legislation on the matter (Brazil);**

105.33 **Facilitate the development of concrete action plans and determine deadlines in order to put an end to the recruitment of children, in accordance with the recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict (Chile);**

105.34 **Take measures to put an end to the recruitment of children by armed groups and ensure the reintegration of demobilized children (France);**

105.35 **Ensure the immediate and unconditional release of all children recruited and used by armed groups, in particular through the immediate issuance of clear orders on all levels, and to take all measures required to prevent any future recruitment, and to ensure that child victims of armed conflict have access to adequate care, counselling and assistance with recovery and reintegration into their communities (Germany);**

105.36 **Ensure the immediate release of all children in the context of negotiations with armed groups and facilitate the preparation of concrete and time-bound action plans to halt the recruitment of children by armed groups and Government forces (Slovenia);**

105.37 **Ensure demobilisation of child soldiers and commit to integrating children in armed groups back into civilian life (Australia);**

105.38 **Continue striving for the necessary disarmament, demobilization and reintegration of all elements of Seleka as a precondition to enable guaranteeing humanitarian assistance and the defence of human rights (Spain);**

105.39 **Design and implement vetting procedures to ensure that Seleka members responsible for abuses are not integrated into the armed forces and to follow its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict when considering any recruitment or use of children (United States of America);**

105.40 **Continue positive efforts to put an end to the prevailing insecurities and violence plaguing the country (Egypt);**

105.41 **Keep efforts to restore basic services in justice, the police and healthcare as a matter of priority (Egypt);**

105.42 **Take necessary measure to prevent and protect further assaults on health services centres (Thailand);**

105.43 **Promote a secure environment and a stable and sustainable policy to allow the Central African people to benefit from all human rights (Democratic Republic of the Congo);**

105.44 **Ensure effective implementation of the Libreville Peace Agreement, and put an end to the prevailing insecurity and violence in the country (Botswana);**

105.45 **Re-establish constitutional order by supporting the current political process, the transitional institutions and the enforcement mechanisms, and support the implementation of the Libreville agreements and the N'Djamena roadmap (Gabon);**

105.46 **Ensure the application of the transitional process in accordance with the N'Djaména Declaration in order to restore the rule of law in the country (Canada);**

105.47 **Strengthen the efforts to resolve the political crisis of the country and address, with the assistance of the international community, the issue of insecurity (Morocco);**

105.48 **Solicit assistance from the international community in the framework of technical and financial assistance to strengthen its capacity in the area of human rights and promotion, in order to allow the reform of the security sector and restore the rule of law, a sine qua non condition for a real enjoyment of human rights (Angola);**

105.49 **Take concrete steps to ensure security for its people to guarantee their enjoyment of human rights (Uganda);**

105.50 **Take all the necessary steps to prevent intercommunity confrontations and violence (Luxembourg);**

105.51 **Take all the necessary measures to ensure the security of the people and their property (Togo);**

105.52 **Take all the necessary measures to restore the State authority (Togo);**

105.53 **Restore peace and stability (Togo);**

105.54 **Implement the Decision of the African Union on Consolidation of Peace and Security in the Country (Ethiopia);**

105.55 **Work without delay for national reconciliation and continue the efforts made in favour of the dialogue between all the components of the Central African Republic society (France);**

105.56 **Continue efforts to conduct the national reconciliation (South Sudan);**

105.57 **All parties of the Central African Republic continue to improve the security environment, maintain the social stability, and create conditions for political transition and reconstruction that people of the Central African Republic can enjoy all human rights (China);**

105.58 **Continue to take all necessary steps to ensure political stability and the creation of an environment conducive to the promotion and protection of human rights (South Africa);**

105.59 **Support full, immediate, safe, and unfettered humanitarian access throughout the country; and ensure the protection of civilian populations, including vulnerable groups, through the immediate restoration of law and order (United States of America);**

105.60 **Make improved access for humanitarian organisations an immediate priority (Australia);**

105.61 **Take into consideration humanitarian problems related to the crisis and find urgent and adequate responses to these problems (Comoros);**

105.62 **Intensify efforts for restoring security and improving the humanitarian situation in the country (Rwanda);**

105.63 **Strengthen the security mechanisms in all the territory (Côte d'Ivoire);**

105.64 **Launch investigations of human rights violations and return to adherence to democratic principles, including through ensuring genuine periodic elections (Czech Republic);**

105.65 **Carry out an analysis to identify priorities in the human rights agenda and implement public policies that incorporate a transversal human rights perspective (Mexico);**

105.66 **Define new transitional measures, including the creation of a national transitional council, in accordance with the recommendation made by the Secretary-General of the United Nations (Chile);**

105.67 **Determine its technical and financial assistance needs in order to solicit the support from its bilateral and multilateral partners (Congo);**

105.68 **Take advantage of the cooperation that the international community, particularly the Human Rights Council, can offer in order to pursue the consolidation of its national institutions, an indispensable step for the promotion and protection of human rights on the ground (Brazil);**

105.69 **Cooperate actively with the international community, in particular United Nations mechanisms, as well as promote democratic rule and restoration of law and order (Japan);**

105.70 **Call on the international community to provide technical assistance in the field of human rights to allow to achieve its obligations in improving the human rights situation (Sudan);**

105.71 **Continue to restore order throughout the country in order to enable the population to resume their economic and social activities (Rwanda);**

105.72 **Establish a national human rights institution in accordance with the Paris Principles, and take measures to provide the necessary resources for its good functioning (Costa Rica);**

105.73 **Speed up its efforts to ensure the operationalization of the National Human Rights Commission in accordance with the Paris Principles (Indonesia);**

105.74 **Put in place a national human rights institution in conformity with the Paris Principles (Tunisia);**

105.75 **Speed up, with the cooperation of the Office of the High Commissioner and donor countries, the legal process to establish a national**

human rights institution in conformity with the Paris Principles, with material and human resources that guarantee its independence and good functioning (Uruguay);

105.76 **Take measures to guarantee the independence of national institutions (Côte d'Ivoire);**

105.77 **Pursue the rehabilitation of the National Human Rights Commission (Democratic Republic of the Congo);**

105.78 **Continue to cooperate with the United Nations and the international community to implement measures to ensure the security and safety of its people (Singapore);**

105.79 **Continue to work with regional organisations and the international community including the OHCHR and other treaty bodies during the process of implementing measures to tackle sexual and gender based violence, release of all child soldiers and prevention of future recruitment, administration of justice and rule of law (Republic of Korea);**

105.80 **Enhance cooperation with international treaty bodies by submitting overdue reports to CERD, CESCR and HR Committee (Sierra Leone);**

105.81 **Fund and support the National Commission of Inquiry to investigate and prosecute, as appropriate, parties responsible for abuses committed during the conflict (United States of America).**

106. **The following recommendation will be examined by the Central African Republic, which will provide responses in due time, but no later than the twenty-fifth session of the Human Rights Council in March 2014:**

106.1 **Ratify the Optional Protocol to the ICESCR (Portugal);**

106.2 **Consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);**

106.3 **Extend standing invitations to special procedures mandate holders to visit the country, who can study the situation on the ground and make recommendations (Maldives).**

107. **The recommendation below did not enjoy the support of the Central African Republic:**

107.1 **The National Transitional Council (NTC) should work to establish a functioning justice system. This should be based on an independent police force and judiciary, whose jurisdiction should include all human rights abuses committed by individuals associated with Seleka (United Kingdom of Great Britain and Northern Ireland).**

108. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[*English/French only*]

Composition of the delegation

The delegation of the Central African Republic was headed by His Excellencies the Minister of Human Rights Claude Lenga and the Minister of Justice Arsene Sende and composed of the following members:

- Son Excellence le Ministre des Droits de l'Homme Chargé de la Coordination de l'Action Humanitaire, Chef de délégation dont la prise en charge est assure par le Bureau Intégré des Nations Unies en Centrafrique (BINUCA);
- Son Excellence le Ministre de la Justice, Garde des Sceaux, chargé de la Réforme Judiciaire;
- Monsieur le Haut-Commissaire aux droits de l'homme et à la Bonne gouvernance;
- Madame Eugénie Leocadie Yvonne YARAFA PANGOULLAH, Directrice de cabinet au Ministère des droits de l'homme, chargée de la coordination de l'Action Humanitaire et prise en charge par le PNUD;
- Son Excellence Léopold Ismaël SAMBA, Ambassadeur Extraordinaire et Plénipotentiaire de la République Centrafricaine auprès de l'Office des Nations Unies et autres Organisations internationales à Genève;
- TOUANGAYE Gilbert, Premier Conseiller auprès de la Mission Permanente de la République Centrafricaine à Genève;
- SABORO Serge, Conseiller Juridique auprès de la Mission Permanente de la République Centrafricaine à Genève.

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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Monaco

* The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Monaco was held at the 11th meeting on 28 October 2013. The delegation of Monaco was headed by José Badia, Minister of Foreign Affairs. At its 18th meeting, held on 31 October 2013, the Working Group adopted the report on Monaco.

2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Monaco: Guatemala, the Philippines and Uganda.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Monaco:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/MCO/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/17/MCO/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/MCO/3).

4. A list of questions prepared in advance by the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Monaco through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. At the 11th meeting of the Working Group on the Universal Periodic Review, held on 28 October 2013, Mr. José Badia, Minister for Foreign Affairs, introduced the national report and made an opening statement in which he expressed gratitude for the opportunity to report on the progress made in the promotion and protection of human rights and the implementation of the recommendations made by the Human Rights Council in 2009. With regard to the preparations for the second universal periodic review, he emphasized the involvement of civil society and of the National Council (Parliament).

6. He described some of the specific features of the Principality of Monaco: (a) it is an independent sovereign State that covers an area of only 2.02 square kilometres; (b) it is a hereditary constitutional monarchy that upholds the primacy of the law and ensures the separation of powers; (c) it is a country made up of only 36,000 inhabitants, of which about 8,600 have Monegasque nationality.

7. He noted that the Principality was deeply committed to the promotion and protection of human rights, which constituted priorities in its national and international policy. Many of the laws it had adopted reflected that commitment, including (a) Act No 1.359 of 20 April 2009 on the establishment of an antenatal and family support coordination centre, amending article 248 of the Criminal Code and article 323 of the Civil Code; (b) Act No. 1.387 of 19 December 2011 amending Act No. 1.155 on nationality; (c) Act No. 1.382 of

20 July 2011 on the prevention and punishment of specific forms of violence; and Act No. 1.399 of 25 June 2013 instituting reforms of the Code of Criminal Procedure in respect of police custody.

8. He indicated that draft legislation on video surveillance was being prepared, to take account of recommendations made by the Commissioner for Human Rights of the Council of Europe.

9. Concerning the inheritance rights of children, he pointed out that Act. No. 1.278 of 29 December 2003, amending certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code, had abolished any distinction in the inheritance rights of natural children, legitimate children and children born out of wedlock or of an incestuous relationship.

10. With regard to harassment in the workplace, he recalled that Act No. 1.382, cited above, had resulted in the inclusion in the country's criminal legislation of Criminal Code article 236-1, which made any harassment a criminal offence, and that on 18 December 2012, the Government of the Principality had submitted to the National Council Bill No. 908 on harassment and violence in the workplace.

11. On the international level, in 2009, the Principality signed the Convention on the Rights of Persons with Disabilities. Bill No. 893 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities was submitted by the Government to the National Council on 7 December 2011 and was currently under study. The text had been drawn up with reference to the provisions of the Convention that the Principality was planning to ratify.

12. Monaco had also signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Council of Europe Convention on Cybercrime. The process of ratifying the latter convention was currently under way.

13. The Principality had also ratified the Protocol relating to the Status of Refugees and the Convention against Discrimination in Education of the United Nations Education, Scientific and Cultural Organization (UNESCO).

14. Monaco was soon to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the so-called Lanzarote Convention). The impact of possible accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was currently being studied.

15. Following extensive consideration of the possibility of ratifying the Rome Statute of the International Criminal Court, the Government had identified the difficulties that would be involved in terms of concordance with institutions at the domestic level. Nevertheless, Monaco was determined to cooperate with the Court on a case-by-case basis in matters for which the Court requested its collaboration, as had already been the case in the past.

16. The delegation of Monaco indicated that the Principality had established extraterritorial jurisdiction over cruel treatment, torture, mutilation, organ trafficking, rape and other forms of sexual violence.

17. The head of the delegation noted that the Principality of Monaco had either set up or modernized the following institutions: (a) the antenatal and family support coordination centre; (b) the Princess Charlene Children's Home (formerly the Sainte Dévote home); and (c) the Rainier III Clinic Gerontology Centre. In early 2014, the office of High Commissioner for the protection of rights and freedoms and mediation had been established.

18. In terms of raising public awareness about the struggle against discrimination, for several years the Department of National Education, Youth and Sports had been involved in a number of publicity campaigns. Prevention programmes were likewise taking part in the effort to combat any form of discrimination: for example, as part of their work to combat sexually transmitted infections, they dealt with the exclusion of persons living with AIDS. Every year Monaco celebrated International Women's Day, the International Day of Persons with Disabilities and Universal Children's Day.

19. With regard to the participation of women in decision-making, the head of the delegation said that generally speaking, there were many women in senior posts in the Monegasque administration and in the judiciary. There was also a woman Minister for Public Works, the Environment and Urban Development.

20. Concerning non-discrimination in employment, he said that rights in the field of employment were exercised without distinction, with the exception of rights related to nationality or place of residence, and there, it was a matter not of discrimination but of priorities specifically based on the limited number of citizens of Monaco, who constituted a minority in their own country. Regarding social security for workers, he emphasized that the relevant legislation and regulations created no distinctions among beneficiaries based on their nationality.

21. With regard to disabilities, he noted that in 2006, the Principality of Monaco had appointed a delegate with responsibility for persons with disabilities. The Government had made significant efforts in recent years to facilitate access to public facilities, to the city and to public transport for persons with disabilities.

22. Concerning domestic violence, he noted that Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence had been adopted for the very purpose of strengthening the protection of women, children and persons with disabilities.

23. In education, he explained that courses in history and civics were based on the fundamental principles of human rights, education in which was compulsory in the Monegasque national curriculum.

24. Despite the particularly difficult international context, the Government sought to maintain its commitment to international solidarity with the most disadvantaged groups (women, children, persons with disabilities) and those severely affected by conflict.

B. Interactive dialogue and responses by the State under review

25. During the interactive dialogue, 40 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

26. The Islamic Republic of Iran welcomed the statement of Monaco and expressed concern over a number of human rights violations, including the distinction between native and naturalized Monegasques, which introduced a form of discrimination regarding the rights associated with citizenship. It noted that Monegasque legislation had created various groups of foreigners with different rights and protection according to their nationality. It made recommendations.

27. Ireland noted that Monaco had signed the Rome Statute of the International Criminal Court and acknowledged its commitment to cooperate with the Court on a case-by-case basis. Ireland considered that the ratification of the Rome Statute would be a timely reaffirmation of the commitment Monaco had made to fighting impunity. It noted that the criminalization of defamation was a disproportionate restriction on freedom of expression. Ireland made recommendations.

28. Malaysia commended efforts concerning legislation on criminal procedure, nationality, violence and offences against children, which would enhance human rights. It also noted the commitment of Monaco to combating poverty, providing quality education, promoting and protecting the rights of women and children and improving living conditions for persons with disabilities. It encouraged Monaco to share best practices regarding persons with disabilities, particularly in the field of education. Malaysia made a recommendation.

29. Maldives welcomed the steps taken to strengthen human rights, particularly through legislation. It commended the implementation of recommendations from the first UPR cycle. It praised the human rights record of Monaco and was encouraged by its human rights education programme in schools and in the workplace. It noted the excellent work of the Human Rights and Fundamental Freedoms Unit and the Minister for Appeals and Mediation, and commended Monaco for its bill to strengthen the mediator's mandate. Maldives made recommendations.

30. Mauritius commended Monaco for its commitment to the UPR and noted the positive steps it had taken to amend existing legislation and adopt new legislation aimed at promoting and protecting its citizens' rights. Mauritius wished to learn about best practices in Monaco on guaranteeing a better quality of life for persons with disabilities. It further commended Monaco for its initiatives to raise awareness about human rights. Mauritius made a recommendation.

31. Mexico commended Monaco for its work on human rights education. It took note of the amendments Monaco had made to its legislation regarding the transfer of nationality, in particular from the mother, as well as progress made on establishing conditions to improve gender equality. It asked about specific measures adopted to improve migrant and cross-border workers' rights to social security and decent labour conditions. Mexico made recommendations.

32. Montenegro commended Monaco for its follow-up to the previous UPR cycle and welcomed its continuous efforts to strengthen and promote human rights through the adoption of domestic legislation and consistent implementation. It asked whether Monaco planned to ratify the Optional Protocol to the Convention against Torture and why the Criminal Code still contained provisions on defamation. Montenegro made a recommendation.

33. Germany welcomed amendments to the Criminal Code concerning racially-motivated crimes. It asked to what extent Monaco intended to modify its immigration policy to remove discrepancies between the treatment of Monegasque natives and foreigners and how it intended to adapt its labour market regulations to strengthen their compatibility with basic principles, such as gender equality. Germany made a recommendation.

34. The Netherlands commended Monaco for progress made since 2009. It noted, however, that Monaco could improve protection against discrimination in its legislation, particularly protection of foreigners. It urged Monaco to ratify the Rome Statute. The Netherlands made recommendations.

35. Nicaragua welcomed the amendments to the legal framework, the ratification of additional international human rights instruments since the first review of Monaco and the improvements it had made to the situation of persons with disabilities. It noted, however, that Monaco was not member of the International Labour Organization (ILO) and stressed that Monaco should work harder to establish the necessary conditions to achieve the full enjoyment of workers' economic and social rights. Nicaragua made a recommendation.

36. Nigeria warmly welcomed the delegation of Monaco and thanked it for its active participation in the UPR process. It expressed appreciation for the tentative report that Monaco had voluntarily submitted in 2012 in response to the conclusions and recommendations adopted during the first review in 2009. Nigeria made recommendations.

37. Oman noted that the report demonstrated the commitment of Monaco to the UPR and commended it for the measures it had adopted to comply with its international obligations, including the promotion and protection of human rights through a series of laws. Oman welcomed the efforts Monaco had made to strengthen its policies, particularly on protecting women and children from violence, and on persons with disabilities, health care, education and welfare. Oman made a recommendation.

38. The Republic of Moldova requested information on the application of the Act on the prevention and punishment of specific forms of violence and on decisions issued by judicial authorities to protect victims. It encouraged Monaco to ensure the independence of the office of Minister for Appeals and Mediation. It asked whether Monaco planned to ratify the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It invited Monaco to share its experiences in implementing UPR recommendations. It made a recommendation.

39. Senegal praised the achievements of Monaco in strengthening the promotion and protection of human rights and improving the living conditions of older persons and persons with disabilities. It welcomed the amendment to the law on nationality allowing Monegasque women to transmit their nationality to their spouses. Senegal was sure that Monaco would take steps to prevent and raise awareness of racism and racial discrimination.

40. Slovakia appreciated the commitment of Monaco to the promotion and protection of human rights and the progress it had made since its last UPR cycle. Slovakia strongly supported the fight against impunity for perpetrators of the most serious crimes and noted that global ratification of the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the International Criminal Court was of utmost importance. Slovakia made a recommendation.

41. Referring to recommendations it had made during the first review of Monaco, Slovenia took note of the difficulties Monaco faced at the national level with the ratification of the Rome Statute and expressed the hope that it would adjust its institutional structure to overcome those obstacles. It noted with appreciation that, in 2012, Monaco had signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Slovenia made recommendations.

42. Spain congratulated Monaco for its humanitarian action policies and its participation in various international humanitarian bodies. Noting the bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, Spain asked about measures adopted to promote the integration of persons with disabilities into the labour market and ensure their equal access to education. Spain made recommendations.

43. Thailand welcomed the efforts Monaco had made to put voluntary pledges into action since its first review. It commended Monaco for the measures it had taken to promote women's and children's rights and to eliminate discrimination in education, as well as progress regarding persons with disabilities. It noted that labour legislation still contained distinctions concerning nationality and residence and that there was no legislation in place to protect the rights of foreign workers. Thailand made recommendations.

44. Togo noted that human rights had been strengthened in Monaco since its last UPR cycle. It commended Monaco for developments in its domestic legislation and noted that it

had become a signatory to the Convention on the Rights of Persons with Disabilities. Togo welcomed the measures Monaco had taken to protect children, to protect women from violence, and to improve the situation of persons with disabilities, and the specific campaigns and school programmes it had launched to combat discrimination. Togo praised the legislative amendment allowing women to transmit their nationality to their spouses and children. Togo made recommendations.

45. Tunisia noted the progress Monaco had made in human rights since its 2009 UPR cycle, particularly the ratification of regional and international human rights instruments and the revision of laws on nationality and police custody. It also noted the commitment of Monaco to international development and encouraged it to increase development aid to 0.7 per cent of its GDP. Tunisia made recommendations.

46. With regard to international cooperation, the Minister for Foreign Affairs noted that the Government of Monaco sought to maintain its commitment to international solidarity with the most disadvantaged groups and those severely affected by conflict. Monegasque development cooperation activities, which were primarily targeted at the eradication of poverty, had been refocused in some 20 partner countries, most of them least developed countries.

47. Aid from Monaco provided support for some 120 development cooperation projects every year. Assistance was also allocated to international organizations (health, protection of children, human rights, environmental protection and humanitarian emergency assistance).

48. Concerning the criminalization of racist acts, he said that under Act No. 1.299 of 15 July 2005 on freedom of public expression, any racially motivated provocation, irrespective of the means used, was a criminal offence. The Government of the Principality had not ruled out the possibility of amending the Criminal Code to make racist motivation an aggravating circumstance.

49. As to the ratification of the Rome Statute of the International Criminal Court, the Principality of Monaco had already identified several structural problems, mostly constitutional. However, it had already responded favourably to requests from the Court for judicial assistance and cooperation.

50. Responding to the question on defamation, he said that although it was specifically criminalized, that was not an obstacle to freedom of expression. The very purpose of its criminalization was to protect persons against defamation on account of membership in any given group. Freedom of expression had limits, and a balance must be found between freedom of expression and repression of clearly defamatory remarks.

51. On the questions regarding persons with disabilities, Monaco stressed the importance of the policy designed to give priority to the autonomy and normal social integration of persons with disabilities. It shared its good practices regarding access to transport, public facilities, apartments, work and education.

52. As regards the development of legislation, the delegation stated that Bill No. 893, mentioned earlier, was a priority for the National Council and the Government and had been submitted to the National Council.

53. On the subject of torture, he said that a variety of provisions in Monegasque domestic law covered acts of torture. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was among the legal provisions that judges could cite directly. No reports of acts of torture had been received recently in Monaco.

54. Concerning what might appear to be discrimination in the workplace, he explained that the protection instituted for Monegasque nationals was justified by the unique nature of the Principality. The Constitution afforded priority to Monegasque citizens in access to public and private employment if they possessed the necessary aptitudes: when aptitudes were equal, then priority came into play. No preference was given on grounds of race, gender, colour, public opinions or social origin. The system made it possible to promote full employment of nationals without depriving non-nationals of the possibility of being hired.

55. Social protection was based on the notion of workplace, and there was no discrimination. Monegasque wage earners and foreign wage earners who were regularly accorded work in the Principality enjoyed the same level of protection, irrespective of their nationality.

56. The possibility of joining the International Labour Organization (ILO) had not been ruled out. The analysis in which Monaco was engaging was justified by the question of how the ILO principles could be reconciled with the Monegasque system of priority in employment and trade union rights. The same reasons had led the Government of the Principality to continue its study of the possibility of ratifying ILO Convention No. 11 (1958) concerning Discrimination in Respect of Employment and Occupation.

57. The United Kingdom of Great Britain and Northern Ireland recognized that human rights were enshrined in the Constitution and noted the fair treatment of prisoners, which was monitored by independent observers. It welcomed the religious freedom that was enjoyed in Monaco and the country's efforts to eradicate child abuse. It was concerned that there was no law against sexual or gender discrimination in employment and no independent procedure to monitor complaints of human rights violations by the police. It made recommendations.

58. The United States of America commended Monaco for its long-standing exemplary human rights record, its contributions to attaining the Millennium Development Goals and its support to the Office of the United Nations High Commissioner for Refugees and other foreign aid and development assistance. It noted that Monaco had cooperated with legal experts from the European Commission for Democracy through Law (Venice Commission) on the formulation of an opinion on the Constitution of Monaco. It made recommendations.

59. Uruguay highlighted the signature and ratification by Monaco of international human rights instruments, its policies to promote and protect the rights of the elderly, its penitentiary administration reforms and its work in the fields of persons with disabilities and workplace violence. Uruguay made recommendations.

60. Thanking Monaco for its succinct national report, Viet Nam welcomed its achievements in the promotion and protection of human rights and its active contribution to international cooperation. Viet Nam encouraged Monaco to share its experiences and good practices with other countries. Recognizing that no country could claim to be a perfect example of human rights, Viet Nam made recommendations.

61. Albania commended Monaco for its commitment to human rights through effective measures and an extensive legal and administrative human rights framework, notably regarding the rights of vulnerable people. Albania looked forward to the adoption of the bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities and the ratification by Monaco of the Convention on the Rights of Persons with Disabilities. The establishment of the office of Minister for Appeals and Mediation would promote fairness and transparency. Albania made recommendations.

62. Commending Monaco for its efforts to promote human rights, Algeria noted its amendments to several laws, especially on the right to nationality and on eradicating crimes against children. It welcomed the signature and ratification of several international

instruments, including the Protocol relating to the Status of Refugees and the Convention against Discrimination in Education. Algeria made recommendations.

63. Morocco noted the adoption of new laws on criminal procedure, the right to nationality, crimes and offences against children and the protection of women against violence. It applauded Monaco for its continued provision of international assistance to disadvantaged groups and the compulsory study of human rights in schools. The relevant legislative measures could be shared as good practice. Commending Monaco on the measures it had taken to support persons with disabilities, Morocco noted the signature of the Convention on the Rights of Persons with Disabilities. It made a recommendation.

64. Australia welcomed the priority that had been given to human rights issues since the first review of Monaco. It commended Monaco for its progress in implementing the recommendations from that review, including its signature of the Convention on the Rights of Persons with Disabilities. It encouraged Monaco to actively consider ways of aligning its legislation with the obligations of signatories, with a view to ratification. Australia made a recommendation.

65. Brazil noted with satisfaction that, in line with the recommendations from its first review, Monaco has acceded to the Protocol relating to the Status of Refugees. Brazil congratulated Monaco on its accession to the Convention against Discrimination in Education and noted the establishment of the Ministry for Appeals and Mediation. The absence in the Criminal Code of a definition of torture in line with article 1 of the Convention against Torture remained a matter of concern. Brazil made recommendations.

66. Canada welcomed the steps Monaco had taken to strengthen capacity to address violence against women, children and other vulnerable persons by adopting new legislation and creating a specialized institution to care for children and women in need. Canada wished to know what progress had been made to encourage the participation of women in the Government Council and what measures would be implemented. Canada made recommendations.

67. Chile commended Monaco for its adoption of various human rights laws and its signature and ratification of major international human rights instruments. It highlighted policies and measures aimed at protecting the elderly. Chile made recommendations.

68. China noted with appreciation the efforts Monaco had made to improve its legislative framework and the measures it had introduced to protect the rights of vulnerable groups, namely women, children, people with disabilities and the elderly. China appreciated its cooperation with developing countries and the official development assistance it provided. Bearing in mind the recommendations of the European Commission against Racism and Intolerance, China asked whether Monaco intended to take additional measures to strengthen its fight against racism.

69. The Congo commended Monaco for the action it had taken to strengthen human rights, particularly the new laws it had adopted on criminal procedure, the right to nationality, specific forms of violence and crimes and offences against children. It noted the steps Monaco had taken to support persons with disabilities and to prevent violence against women and children. It applauded Monaco for its international commitment to combating poverty, centred around maternal and child health and pandemics. The Congo made a recommendation.

70. Costa Rica took note of progress made since the previous review of Monaco, which reflected its commitment towards the promotion and protection of human rights. It took note with appreciation of the amendments Monaco had made to its domestic legislation on transferring nationality, thus putting an end to practices which discriminated against

women. It acknowledged awareness-raising campaigns on discrimination and commended Monaco for its ratification of international instruments. Costa Rica made recommendations.

71. Cuba recognized the efforts Monaco had made and the results it had achieved in implementing the recommendations it had accepted from the first UPR cycle. It commended Monaco for the progress it had made in various areas, such as the protection of the rights of persons with disabilities, and of women and children. It noted, however, that Monaco also faced challenges in the area of human rights. Cuba made recommendations.

72. Ecuador congratulated Monaco on its efforts to implement recommendations from its first review and recognized the initiatives it had implemented on human rights training and awareness-raising for judges and the police. It welcomed the legislative changes Monaco had made on criminal procedure, crimes against children and violence against women. Ecuador made recommendations.

73. Estonia noted with appreciation that Monaco had become a party to core international human rights instruments and was cooperating fully with special procedures and treaty bodies. It acknowledged that human rights were part of domestic policy in Monaco and welcomed its implementation of previous recommendations, such as the adoption of legislation on the prevention and punishment of specific forms of violence. It noted efforts regarding gender equality and called on Monaco to prohibit corporal punishment and to punish domestic violence. It also encouraged Monaco to decriminalize defamation. Estonia made recommendations.

74. France welcomed the commitment Monaco had shown to human rights since the first UPR cycle, particularly with regard to the rights of persons with disabilities and the provision of international development assistance. It asked whether Monaco planned to implement a national strategy in order to apply the Guiding Principles on Business and Human Rights. It made recommendations.

75. Argentina congratulated Monaco on its ratification of international instruments, including the Convention against Discrimination in Education, and its accession to the Protocol relating to the Status of Refugees. It noted the efforts Monaco had made to fully integrate persons with disabilities and the adoption of legislation on the prevention and punishment of specific forms of violence. It encouraged Monaco to continue taking action to improve the treatment of migrants and asylum seekers. Argentina made recommendations.

76. Indonesia welcomed the commitment of Monaco to human rights and noted that it had strengthened its policies to protect women, children and persons with disabilities, including by developing domestic legislation related to the ratification of the Convention on the Rights of Persons with Disabilities. It welcomed the establishment of the office of Minister for Appeals and Mediation. It thanked Monaco for its unwavering commitment to international cooperation in maternal and child health, pandemics, neglected diseases, education and gender equality. Indonesia made recommendations.

77. Concerning women in the administration, the head of the delegation said that the majority of senior posts were occupied by women.

78. With respect to ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which Monaco had signed in 2007, the head of the delegation said that some of its provisions seemed incompatible with the provisions of Monegasque law. Nevertheless, Monaco was continuing its consideration of the matter.

79. Concerning the suggestions of the European Commission for Democracy through Law (Venice Commission) on bringing Monaco's laws on the functioning of the National Council into line with its actual practices, he said that Parliament was studying a timetable for doing precisely that.

80. There was no problem from the legal point of view with registering a complaint against police officers who committed violations of human rights. The police, including the members of the criminal investigation department, were supervised by the Public Prosecutor. There was also a special service responsible for investigating offences allegedly committed by police officers. The service reported directly to the Ministry of State and was in no way subordinate to the Commissioner of Police.

81. Concerning the Venice Commission's recommendations on legal matters, he said that the administration of justice was independent of and not linked to the Government. Act No. 1.398 of 25 June 2013 had completed the process begun with the 2009 reform of the regulations governing the judiciary, under which an oversight body for the judiciary, the High Council of the Judiciary, had been set up.

82. With regard to domestic violence, Monaco had adopted the law on the prevention and punishment of specific forms of violence and had organized training on assistance to victims for judges, court registrars, social workers and police officers.

83. Monaco monitored the detention of convicted persons who were serving their sentences in France, including by such measures as pardon or parole that were exclusively within its competence. It was about to finalize an agreement with France whereby a Monegasque judge would make periodic visits to the prisons concerned to check that detention conditions were in line with the standards prevailing in Monaco.

84. Concerning illegitimate funding, the delegation emphasized that Monaco provided effective judicial cooperation, irrespective of whether or not there was an international agreement with the requesting State. The Principality cooperated based on the principle of reciprocity and provided assistance to the various international bodies that were combating money laundering. Consideration was being given to setting up an agency to manage and administer all the funds that had been frozen by the Monegasque authorities.

85. He announced that in early 2014, the post of High Commissioner for the protection of rights and freedoms and mediation had been established.

86. He indicated that Wages Act No. 739 of 16 March 1963 guaranteed gender equality in remuneration and rendered null and void any regulation that discriminated between men and women in terms of remuneration. The only discrimination that existed was positive discrimination, in the sense that there were legislative provisions that offered enhanced protection to women and young people.

87. There was no differentiation in the Principality of Monaco among Monegasque wage earners; the rules for employers and employees were applicable to all employers and all employees without distinction as to race, religion, nationality, colour or gender.

88. The head of the delegation concluded by stating that Monaco would continue to work at both the national and international levels for the protection of the most disadvantaged groups; he reaffirmed Monaco's commitment to the United Nations and support for the universal periodic review mechanism.

II. Conclusions and/or recommendations**

89. **The recommendations formulated during the interactive dialogue/listed below have been examined by Monaco and enjoy the support of Monaco:**

** Conclusions and recommendations have not been edited.

89.1 **Ratify the Convention on the Rights of Persons with Disabilities, which Monaco signed in 2009 (France);**

89.2 **Ratify the Convention on the Rights of Persons with Disabilities (Togo);**

89.3 **Consider ratifying the Convention on the Rights of Persons with Disabilities, with particular consideration for widening accessibility for all, as mentioned in the article 9 of the Convention, in order that persons with disability could live independently and contribute to their local community (Thailand);**

89.4 **Consider ratifying the Convention on the Rights of Persons with Disabilities shortly (Morocco);**

89.5 **Complete the ratification of the Convention on the Rights of Persons with Disabilities at the earliest convenience, if possible (Viet Nam);**

89.6. **Accelerate the process for the ratification of the Convention on the Rights of Persons with Disabilities (Spain);**

89.7 **Step up procedures for the ratification of the Convention on the Rights of Persons with Disabilities (Albania);**

89.8 **Continue in its efforts with regard to the ratification of the Convention on the Rights of Persons with Disabilities and the Bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities (Indonesia);**

89.9 **Continue to consider ratifying the Convention on the Rights of Persons with Disabilities (Tunisia);**

89.10 **Consider adopting and implementing law on the independent functioning and organization of the National Council in order to reflect changes already made to the Constitution in 2002 (United States of America);**

89.11 **Include in its national criminal legislation, a definition of torture, in compliance with the provisions of the Convention against Torture (Maldives);**

89.12 **Complete the review of its legislative project on the abolition of the penalty of banishment and promptly follow-up on the results of this review (Canada);**

89.13 **Expedite action on the bill currently under consideration aimed at promoting and protecting the rights of persons with disabilities (Nigeria);**

89.14. **Strengthen the national unit for the protection of human rights within the Department of Foreign Affairs of the Monegasque Government and work towards the establishment of a national human rights institution (France);**

89.15 **Consider amending the institution of the Ombudsman currently available, so that it is more independent from the office and it can address human rights controversies among citizens and the various State institutions in an impartial and autonomous manner (Mexico);**

89.16 **Set up an independent body responsible for human rights (Algeria);**

89.17 **Create an independent national human rights institution in conformity with the Paris Principles (Tunisia);**

89.18 **Establish a national human rights institution, whose functioning is in accordance with the Paris Principles (Costa Rica);**

89.19 **Establish an independent national human rights institution in conformity with the Paris Principles, providing it with the necessary human and**

financial resources to effectively exercise its functions, including the investigation of allegations of torture (Uruguay);

89.20 **Consider the establishment of an independent national human rights institution, within, and in accordance with the appropriate domestic procedural and legal framework (Maldives);**

89.21 **Consider establishing an independent national human rights institution in conformity with the Paris Principles and set up an independent human rights structure to receive human rights complaints from individuals (Slovenia);**

89.22 **Consider establishing an independent human rights institution in conformity with the Paris Principles (Indonesia);**

89.23 **Establish a mechanism that monitors gender equality in employment, wage discrimination against women and discrimination on sexual orientation (United Kingdom of Great Britain and Northern Ireland);**

89.24 **Continue strengthening protection policies in favour of boys and girls, women and persons with disabilities (Chile);**

89.25 **Continue concentrating efforts towards older persons, with a view to adequately addressing the challenge resulting from an increasing number of elderly adults (Chile);**

89.26 **Pursue its efforts to take up the challenges of human rights in accordance with international standards (Oman);**

89.27 **Continue its efforts of raising awareness on human rights issues among its population (Mauritius);**

89.28 **Continue the efforts in the area of human rights training for the judiciary and police staff (Chile);**

89.29 **Strengthen the fight against all forms of discrimination (Ecuador);**

89.30 **Intensify its efforts to combat racial discrimination, xenophobia and intolerance, and to encourage high level politicians to take a clear stand against these scourges (Tunisia);**

89.31 **Undertake all possible efforts to combat racism, racial discrimination, xenophobia and other forms of related intolerance (Cuba);**

89.32 **Accelerate the study of draft laws aimed at combating racial discrimination, particularly with regard to migrants, and reinforce the protection of foreign workers (Uruguay);**

89.33 **Expedite action on bills currently under consideration aimed at combating racial discrimination (Nigeria);**

89.34 **Enact a specific law outlawing racist or xenophobic attitudes and prohibiting the display of racist symbols or signs reflecting a racist ideology in sport (Islamic Republic of Iran);**

89.35 **Amend the criminal legislation with the view of introducing the racist motivated offence as an aggravating criminal circumstance (Albania);**

89.36 **Make specific provision in its criminal law for preventing and combating racist motivations which constitute an aggravating circumstance in the country (Islamic Republic of Iran);**

89.37 **Continue with efforts to promote gender equality (Nigeria);**

89.38 **Take measures to raise awareness of its new legislation concerning domestic violence and inform victims of violence about their rights and help available to them (Canada);**

89.39 **Put in place an independent procedure to monitor complaints of human rights violations by the police (United Kingdom of Great Britain and Northern Ireland);**

89.40 **Consider establishing a mechanism to monitor the conditions of execution of the sentence of the convicted prisoners deprived of their liberty in France (Costa Rica);**

89.41 **Encourage the establishment of non-governmental human rights organizations (Slovenia);**

89.42 **Attach greater relevance and adopt measures to guarantee the enjoyment of all economic, social and cultural rights of its population (Cuba);**

89.43 **Continue the efforts for the equal guarantee of the right to free medical assistance for children, with special attention to those from disadvantaged environments (Ecuador);**

89.44 **Redouble its efforts in providing and facilitating better access for all in exercising their right to health and right to education (Malaysia);**

89.45 **Strengthen the protection of foreign workers in the country, including through the revision of relevant legislation on their working conditions (Thailand);**

89.46 **Adopt the pending legislation on harassment and violence in the workplace and continue to ensure protection of non-Monegasque workers from any form of discrimination, including in terms of access to social and health services (Republic of Moldova);**

89.47 **Increase the international cooperation activities aimed at the development of other countries (Cuba);**

89.48 **Pursue its commitments in the area of international development aid, especially in the area of health and poverty (Viet Nam);**

89.49 **Continue to attach priority in the area of international cooperation to combating poverty, to mother and child health, to education and to combating pandemics (Togo);**

89.50 **Take all appropriate measures for the effective implementation of its voluntary commitment in terms of international cooperation to work towards food security and gender equality (Congo);**

89.51 **Guarantee the cooperation and responsiveness of financial institutions with regard to requests for the recovery of funds of illicit origin (Tunisia).**

90. **The following recommendations will be examined by Monaco which will provide responses in due time, but no later than the twenty-fifth session of the Human Rights Council in March 2014:**

90.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in order to increase the possibilities for complaints and investigation by the Committee on Economic, Social and Cultural Rights, and thereby bringing such protection system at the same level of the existing one with regard to civil and political rights (Spain);**

90.2 **Ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (France);**

90.3 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to better fight against discrimination against women and to ensure greater protection of such group (Spain);**

90.4 **Ratify the Optional Protocol to the Convention against Torture (Brazil); Ratify the Optional Protocol to the Convention against Torture (France);**

90.5 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Estonia); Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**

90.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

90.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which Monaco signed in 2007 (France);**

90.8 **Continue to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);**

90.9 **Accelerate the legislative procedures and judicial reforms aimed at the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its monitoring body (Uruguay);**

90.10 **Ratify the Rome Statute of the International Criminal Court (Montenegro); Ratify the Rome Statute of the International Criminal Court (Australia); Ratify the Rome Statute of the International Criminal Court (France); Ratify the Rome Statute of the International Criminal Court (Brazil);**

90.11 **Continue to consider ratifying the Rome Statute of the International Criminal Court (Tunisia);**

90.12 **Ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the ICC, and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts (Netherlands);**

90.13 **Ratify the Rome Statute of the International Criminal Court, fully align its national legislation with the obligations under the Rome Statute and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Ireland);**

90.14 **Ratify/accede to the Rome Statute of the International Criminal Court, to implement it fully at national level and to accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Slovakia);**

90.15 **Ratify the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and to fully align its national legislation with the obligations contained therein (Estonia);**

90.16 **Accelerate the internal procedures to ratify the Rome Statute of the International Criminal Court, and adhere to the Agreement on the Privileges and Immunities of the International Criminal Court, as well as to the Convention on the**

Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay);

90.17 **Examine the incompatibilities of national legislation that prevent its adherence to the ILO and ratify its Conventions, in particular ILO Conventions No. 111 and No. 87 (Uruguay);**

90.18 **Become a member of the International Labour Organization and the respective conventions (Germany);**

90.19 **Consider ratifying the fundamental ILO Conventions (Nicaragua).**

91. **The recommendations below did not enjoy the support of Monaco:**

91.1 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);**

91.2 **Consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);**

91.3 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);**

91.4 **Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and recognize the competence of the Committee (Uruguay);**

91.5 **Consider enacting Venice Commission recommendations to bring some of its laws formally in line with its already democratic practices (United States of America);**

91.6 **Decriminalize defamation and make it part of the Civil Code (Ireland);**

91.7 **Take measures in order that the Constitution and other national legislation contain proper provisions that clearly establish the principle of equal treatment and non-discrimination on the grounds of race, colour, ethnic origin, nationality, language or religion (Mexico);**

91.8 **Continue its efforts to consolidate the legislative framework in the field of the protection against discrimination, in particular in relation to the employment of non-nationals (Netherlands);**

91.9 **Review and abolish those legal and practical measures which precluded the naturalized Monegasques, being eligible for elections, in particular articles 54 and 79 of the Constitution in order to remove any inappropriate differentiation between its citizens (Islamic Republic of Iran);**

91.10 **Consider ways to further ensure the independence of the judiciary, such as vesting the High Council of Judges and Prosecutors in the Constitution (United States of America);**

91.11 **Conduct an analysis of the discriminatory treatments that may be affecting foreigners, especially in the field of employment, and consider amending its legislation in accordance with the result of this study (Canada).**

92. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[*English/French only*]

Composition of the delegation

The delegation of Monaco was headed by Mr. José Badia, Conseiller de Gouvernement pour les Relations extérieures, (Minister of Foreign Affairs), and composed of the following members:

- S.E.M. Philippe Narmino, Directeur des Services Judiciaires;
- S.E. Mme Carole Lanteri, Ambassadeur, Représentant Permanent de la Principauté de Monaco auprès de l'Office des Nations Unies;
- M. Jean-Charles Allavena, Conseiller National;
- Mme Mireille Pettiti, Directeur Général, Département des Relations Extérieures;
- Mme Virginie Cotta, Directeur Général, Département des Affaires Sociales et de la Santé;
- Mme Dominique Pastor, Conseiller technique, Département des Affaires Sociales et de la Santé;
- M. Eric Bessi, Directeur du Travail;
- Mme Marina Ceyssac, Conseiller auprès de Monsieur le Directeur des Services Judiciaires;
- M. Jean-Laurent Ravera, Chargé de Mission au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
- M. Frédéric Pardo, Administrateur juridique principal au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
- Mme Laurence Coda, Conseiller Technique, Département de l'Intérieur;
- Mme Marie-Hélène Gamba, Conseiller Technique, Direction de l'éducation nationale de la jeunesse et des sports;
- M. Johannes De Millo Terrazzani, Conseiller de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
- M. Gilles Realini, Deuxième Secrétaire de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
- Mme Justine Ambrosini, Secrétaire des Relations Extérieures, Direction des Affaires Internationales.